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*Approved August 4, 2010*

**COUNTY OF SANTA CRUZ  
LOCAL EMERGENCY PLANNING COMMITTEE**

2150 N. Congress Drive #110  
Nogales, Arizona 85621  
(520) 375-8000

**BY LAWS**

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### **SECTION 1** **AUTHORITY**

**1.01 AUTHORITY:** These By Laws have been adopted pursuant to the requirement cited in Section 301, Title III, Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) also called the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA).

### **SECTION 2** **GENERAL**

**2.01 NAME:** This Committee shall be known as the Santa Cruz County Local Emergency Planning Committee hereafter called the LEPC or Committee.

**2.02 DISTRICT:** The State of Arizona Emergency Response Commission (AERC) has designated each County within the State as a "planning district" effective July 17, 1987.

**2.03 OFFICE:** The principal office of the Committee shall be as designated by the LEPC Chair and documented with the Secretary to the Santa Cruz County Board of Supervisors.

### **SECTION 3** **PURPOSE**

**3.01 PURPOSE:** The purposes of this Committee shall be:

a. To implement PL 99-499 and Title 26 Chapter Two, Article Three of the Arizona Revised Statutes. As set forth in EPCRA, the LEPC shall develop, implement, review and update, in coordination with the Santa Cruz Office of Emergency Management, the annex to the Santa Cruz County Emergency Operations Plan (EOP) that addresses hazardous materials. The EOP annex must address requirements of PL 99-499, to include:

1. Identification of chemical facilities subject to emergency response planning.
2. Emergency response procedures.
3. Notification and evacuation.
4. Emergency response coordinators.
5. Schedule of exercises and training.

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b. To establish provisions for:

1. Public notification of Committee activities;
2. Public meetings to discuss the emergency plan;
3. Receiving and responding to public comments;
4. Disseminating the emergency plan;
5. Updating the plan as mandated;
6. Encouraging hazardous materials training.

c. To develop procedures for receiving and processing public requests for information under Sections 312 and 324, Title III of EPCRA.

### **SECTION 4** **MEMBERSHIP**

**4.01 COMMITTEE:** The Committee should include, at a minimum, representation from each of the groups or organizations cited in Section 301, Title III of EPCRA, and ARS 26-344. These include:

1. Elected state and local officials
2. Law enforcement, civil defense, fire fighting, first aid, health, local environmental, hospital, and transportation personnel.
3. Broadcast and print media
4. Community groups, to include non-profit and volunteer agencies
5. Owners and operators of facilities subject to the requirements of EPCRA and ARS 26-344

**4.02 MEMBERS:** Members of the Committee shall be nominated by a majority of the Committee and nominees will be recommended to AZSERC for final approval as members.

Attendance by an alternate, or proxy, will be considered acceptable attendance by a Committee member.

**4.03 TERMINATION OF MEMBERSHIP:** Committee membership may be voluntarily terminated by written resignation, and involuntarily terminated for the following reasons. Termination will be forward to AZSERC for approval:

- a. Action(s) deemed detrimental to the mission of the Committee;
- b. Unacceptable record of attendance at Committee meetings. Written notification of an unsatisfactory attendance record must be mailed to the Committee member, and an opportunity afforded to improve attendance, before termination.

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### **SECTION 5** **MEETINGS**

**5.01 REGULAR MEETINGS:** Regular Committee meetings shall be held, at a minimum, semi-annually (September and March of each year) at a time and place designated by the Chairperson for the purpose of determining progress in accomplishment of Committee purpose (Section 3.01 above).

**5.02 SPECIAL MEETINGS:** Special Meetings may be held at the call of the Chairperson and at a time and place designated by the Chairperson. Any properly noticed matter within the jurisdiction of the Committee may be considered and voted upon at such Special Meeting.

**5.03 NOTICE OF MEETINGS:** Notice of any meeting of the Committee, and/or Subcommittees thereof, shall be posted in accordance with the State of Arizona open meeting law. Such notice shall outline the matters to be considered at such meeting, including specific issues. Notice of all meetings of the Committee shall be given to each member via mail or telephone.

**5.04 QUORUM:** At any meeting of the Committee, five members shall be considered as a quorum for the approval of Committee business.

**5.05 VOTING:** At every meeting of the Committee, each member present or properly represented shall be entitled to one vote. Decisions on any question at a meeting of the Committee shall be by a majority vote of members. Votes may be cast by appointed Committee members, by their designated alternate or by their proxy properly credentialed for that meeting.

Each member may appoint a permanent alternate by filing with the Chairperson a written, dated and signed designation naming the person they wish to be certified as their alternate. If a member and that member alternate are both unable to attend and participate at a meeting, that member may be represented by a proxy. A proxy may be properly credentialed by filing with the Chairperson prior to the meeting, in which the proxy is intended to replace a member, a written and dated request signed by that member.

### **SECTION 6** **LEPC OFFICERS**

**6.01 PRINCIPAL OFFICERS:** Principal Officers shall be the Chairperson and Vice Chairperson, or any others as deemed necessary by the Committee. Officers shall be appointed by the Committee and serve for two years. Officers are eligible for reappointment. Elections will be conducted in January of even dated years and will be effective immediately.

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**6.02 CHAIRPERSON:** The Chairperson shall preside over all meetings of the Committee. The Chairperson shall have general charge and supervision of the affairs of the Committee and shall perform such other duties which may from time to time be assigned by the Committee.

**6.03 VICE CHAIRPERSON:** At the request of the Chairperson, or in the event of his absence or disability, the Vice Chairperson shall act as Chairperson and shall perform any and all duties of the Chairperson. The Vice Chairperson shall have such other powers and perform such duties as the Chairperson may assign from time to time.

**6.04 AD HOC CHAIRPERSON:** In the event that both the Chairperson and the Vice Chairperson are unable to attend a scheduled meeting, an Ad Hoc Chairperson may be elected by a majority vote of the qualified voters present if duly noticed on the agenda for that meeting. The alternate or proxy of the Chairperson or Vice Chairperson shall not automatically preside at any meeting; however, if both the Chairperson and the Vice Chairperson are absent, such an alternate or proxy may preside if duly elected as Ad Hoc Chairperson by the process set out immediately above.

**6.05 LEPC EMERGENCY COORDINATOR:** The LEPC shall appoint from among the members an LEPC Coordinator who shall:

- a. Provide necessary administrative support to the Committee, including attending and keeping the minutes of all meetings of the Committee.
- b. Coordinate the preparation of emergency plans.
- c. Assist with the mailing of meeting and official notifications as directed by the Chairperson.
- d. Be responsible for the gathering of and dissemination of information to the public as specified in paragraph 3.01 of these By Laws.
- e. Other such duties as may be directed by the Chairperson.

**6.06 COUNTY OFFICE OF EMERGENCY MANAGEMENT- ADMINISTRATIVE SUPPORT:** The Santa Cruz County of Emergency Management shall provide administrative support to the LEPC pursuant to ARS Title 26, Chapter Two, Article Three.

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### **SECTION 7** **TASK GROUPS**

**7.01 ADVISORY TASK GROUPS:** The Chairperson, with the approval of the Committee, may appoint such advisory and administrative advisory task groups as he deems necessary and shall determine their duties and functions consistent with the provisions of Title III of EPCRA.

**7.02 QUORUM:** A simple majority of the Subcommittee members shall constitute a quorum, but a lesser number (not less than two) may hold a meeting.

**7.03 ADVISORY TASK GROUP CHAIRPERSON:** The Advisory Task Force Group Chairperson shall be recommended by the task group members and appointed by the LEPC Chairperson. The business and affairs of the task group shall be managed and controlled by the task group Chairperson.

**7.04 VOTING:** Except as otherwise specifically prescribed in these By Laws, all decisions made at any meeting of a task group, or other group established pursuant to Section 7.01, shall be by majority vote of those present, qualified to vote and voting, in accordance with Section 5.05 and this Section. Each member, designated alternate, or properly credentialed proxy shall have one vote.

Persons who are not LEPC members may serve as qualified voting members of any task group once each is approved by a majority of qualified voters at any duly noticed LEPC meeting. Such task group voting members (who are not duly appointed Committee members) may not designate an alternate or credential a proxy to attend and vote on their behalf at any task group meeting.

**7.05 TERMINATION:** Advisory Task Group membership may be terminated by a vote of the LEPC after appropriate hearing or by resignation. Three consecutive un-excused absences from regular meetings of the task group may constitute grounds for termination.

**7.06 MEMBERSHIP:** Any person may nominate themselves for voting membership on any task group by filing a written request with the LEPC Chairperson. Upon receipt of such a request, the Chairperson shall instruct that the notice for the next LEPC meeting include a Subcommittee membership vote agenda item. At that next properly noticed meeting, the Chairperson shall present the nomination or nominations for LEPC discussion and vote.

**7.07 VACANCIES:** Any vacancy in the Advisory Task Group may be filled temporarily by appointment by the LEPC Chairperson and such appointee will serve until the next ensuing committee meeting at which time such appointment will be confirmed or terminated by the LEPC.



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**7.08 MEETINGS:** Meetings of a task group shall be held at the call of the task group Chairperson. Any person, including LEPC members alternates and proxies may attend and participate in any Subcommittee meeting; however, qualification to vote at Subcommittee meetings shall be only as set out in Section 7.04 above.

**7.09 OPEN MEETING LAWS:** Advisory task group meetings shall adhere to all Arizona open-meeting law requirements, to include: posting notices of meetings; posting of an agenda at least twenty-four hours in advance of the meeting; and preparing minutes of the meeting.

### **SECTION 8** **AMENDMENTS**

**8.01 AMENDMENTS:** Amendments of these Bylaws, consistent with state and federal EPCRA Title III of SARA and the directives of the Arizona Emergency Response Commission, may be adopted at any properly publicly noticed meeting of the LEPC at which a quorum is present. Five days advance notice must be given to members for the meeting. At the time of such notice, members must be furnished with adequate, pertinent information as to the terms of the proposed amendments.

### **SECTION 9** **DISCLAIMER OF ENDORSEMENTS**

**9.01 ENDORSEMENTS OF PRODUCTS OR SERVICES:** No individual member or group of members of the LEPC shall have the authority to endorse or recommend any product or service in the name of the LEPC.

**9.02 POLITICAL ENDORSEMENT:** No individual member or group of members shall have the authority to endorse or recommend any candidate for political office in the name of the LEPC.

**9.03 SANCTIONED ACTIONS:** Only formal actions approved by the LEPC shall be sanctioned by the LEPC or its members.

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**SECTION 10**  
**ADOPTION**

**10.01 ADOPTION:** Adopted by majority vote of the Committee this \_\_\_\_\_ 2010

Santa Cruz County Local Emergency Planning Committee

by \_\_\_\_\_  
Chairperson  
\_\_\_\_\_